O/Railways/50

1950

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File No.

Legal Department

A **BRANCH**

Subject:—

O. Railways —

Opinions under the

Indian Railways Act, 1860.

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O/Railways/50

File No.

Gen. 194 e.

386-A

C O N T E N T S.

Legal Department File No. C Railwa./50.

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Cr. No.	Compilation No.	Subject.	Pages.
		Opinions under the Indian Railways Act, 1860.	
1)	C.No. 395-/22-3-50.	Ss. 11(1), 12 and 51. Question whether the B.N.& C.T. Railway Administration can be compelled under secs. 11,12 and 51 or any other section of the act to provide, at its own cost a foot-path over the Railway bridges.	1-2.
2)	C.No. 13749/29-9-50.	Whether under any provisions of the Act, the Railway is bound to consult the Govt. in the matter in respect of construction of a road connecting it to the road leading to level crossing gate in the light of the previous correspondence and whether Govt. is bound to make good the expenditure incurred by the Railwa. in constructing the road as Govt. has asked to stop the construction.	3-4.

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Office of the P.L.A.

Indian Railways Act, 1860. Sections 11(2), 12 & 51.

seen and returned.

Sections 11(1) and 12 of the Indian Railways Act, 1890, will have no applications as they provide for accommodation and additional ~~xxxxxxxxxxxxxx~~ accommodation works to be made for the benefit of owners and occupiers of lands adjoining the railway. Section 51(c) is the only provision which provides for constructing and maintaining a foot-path over the railway bridges; but under that provision the discretion so to do vests in the railway authority.

Sd/- 2.3

Remembrancer of Legal Affairs.

U.P. to I.W.D. No. 3951, dated the 22nd March 1950.

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Strictly speaking the Railway Administration should have consulted the State Government before closing the gate and started construction of the road (see sections 11 and 12 of th Indian Railways Act, 1890). In the present case however it appears that the Railway authorities had actually consulted the accredited local representatives of the Bombay Government, viz. the Collector of Dharwar and the Superintending Engineer, Southern Circle and it is only when they agreed to the closure of the gate that the consturction of the road was undertaken. Consequently it would not be just for this Government to refuse to bear the responsibility for the expenditure incurred by the Railway administration with the consent of their local officers.

Sd/- 28/9

Remembrancer of Legal Affairs.

P.P. to P.W.D. No. 13749, dated the 29th September 1950.

N.V.D.
9/7
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